

TITLE 326 AIR POLLUTION CONTROL DIVISION

Rule Information Sheet

References to the Code of Federal Regulations
LSA Document #19-382

Overview

"References to the Code of Federal Regulations" (CFR) at 326 IAC 1-1-3 indicates the annual edition of the CFR that is applicable to federal regulations that have been incorporated by reference throughout 326 IAC, unless a previous edition is specified in the rule. The latest version of the CFR contained in 326 IAC 1-1-3 is July 1, 2015. Since that date, several new federal regulations have been promulgated that are not reflected in the current version of 326 IAC. This rulemaking updates references to the CFR at 326 IAC 1-1-3 to bring it up to date with the July 1, 2018, edition. By updating the reference date to July 1, 2018, 326 IAC will be consistent with those regulations that the federal government promulgated between July 1, 2015, and June 30, 2018.

This rulemaking also updates a reference to the CFR at 326 IAC 12-1-1, concerning the exception of 40 CFR 60, Subpart TTTT from incorporation by reference. The United States Environmental Protection Agency (U.S. EPA) published a final rule in the Federal Register (FR) on October 23, 2015, that established standards for emissions of carbon dioxide for new or modified fossil fuel-fired electric generating units (EGUs). Subsequently, on December 20, 2018, U.S. EPA published a proposed rule in the FR containing amendments to the October 23, 2015 final rule that removed certain requirements of the emission standards for new EGUs.

Therefore, the Indiana Department of Environmental Management is proposing to exclude the October 23, 2015 federal rule in this rulemaking unless the revisions published by U.S. EPA on December 20, 2018, are finalized and published in the FR prior to adoption of this rule. This will ensure that sources are in compliance with the most updated version of the New Source Performance Standards in the CFR.

Affected Persons

All stakeholders will benefit from this rulemaking because it updates the state rules for consistency with federal standards.

Reasons for the Rule

The 2018 CFR Update is a codification of the final and effective regulations published in the Federal Register as of June 30, 2018. The purpose of the state rulemaking is to update state rules for consistency with federal rules.

Economic Impact of the Rule

Updating the CFR to mean the July 1, 2018 edition will have a positive effect on business, local

governments, and citizens by ensuring that state and federal rules are consistent. Although there may be costs to comply with the rules that have been incorporated by reference, the costs are due to the federal regulations themselves, and no additional costs will be incurred as a result of updating the reference to the CFR in the state rule.

Scheduled Board Action and Hearings

Public Hearing: November 13, 2019, at 1:30 p.m., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, IN 46204.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel, (317) 232-8229, (800) 451-6027 (in Indiana), or kwalsh@idem.in.gov.